

FILED FEB 8 1977

By

Grant - Chase

H. B. No. 945

A BILL TO BE ENTITLED

AN ACT

relating to the method of execution of convicts sentenced to death, amending Article 43.14 of the Code of Criminal Procedure, as amended,

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Amend Article 43.14, Code of Criminal Procedure, as amended, to read as follows:

"Art. 43.14. Execution of Convict. Whenever the sentence of death is pronounced against a convict, the sentence shall be executed at any time before the hour of sunrise on the day set for the execution not less than thirty days from the day of sentence, as the court may adjudge, ~~by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of such convict until he is dead,~~ by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death, such execution procedure to be determined and supervised by the Director of the Department of Corrections.

Section 2. Amend Art. 43.18, Code of Criminal Procedure, as amended, to read as follows:

"Art. 43.18. Executioner. ~~The Director of the Texas Department of Corrections, or in case of his death, disability or absence, the Warden of the Huntsville Unit of the Texas Department of Corrections, shall be the executioner. In the event of the death or disability or absence of both the Director of the Texas Department of Corrections and the Warden of the Huntsville Unit of the Texas Department of Corrections, the executioner shall be that person appointed by the Board of Directors of the Texas Department of Corrections for that purpose.~~ The Director of the Texas Department of Corrections shall designate an executioner to carry out the death penalty provided by law.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Bill Clayton
Speaker of the House of Representatives

3/30/77
(date)

Sir:

1977 APR -6 PM 3:07

We, your COMMITTEE ON ~~HOUSE OF REPRESENTATIVES~~ CRIMINAL JURISPRUDENCE, to whom was referred
have had the same under consideration and beg to report back with the recommendation that it

H.B. 945
(measure)

- (☒) do pass, without amendment.
(☐) do pass, with amendment(s).
(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested on 2/14/77 and is attached as part of this report.
(date)

Author's fiscal statement attached.

~~The Committee recommends that this measure be placed on the (Local / Consent) Calendar.~~



This measure (☐) proposes new law.
(☒) amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Nabers	A			
Hendricks	A			
Washington			P	
Brown				<input checked="" type="checkbox"/>
Ceverha	A			
Denton	A			
Hudson	A			
Laney	A			
Looney	A			
McFarland	A			
Robbins	A			

Total: 9 aye
0 nay
1 present, not voting
1 absent


CHAIRMAN

COMMITTEE COORDINATOR

BILL ANALYSIS

Background Information:

Article 43.14 C.C.P. currently provides for carrying out of a sentence of death by means of electrocution. Presently the designated state's executioner is the Director of the Texas Department of Corrections.

What the Bill Proposes to Do:

Amends present law by providing that executions be hereafter accomplished by means of an injection of a lethal substance sufficient to cause death. The Director of the Texas Department of Corrections would designate an executioner.

Section by Section Analysis:

Section 1. Amends Article 43.14 C.C.P. by providing that executions be hereafter accomplished by means of an injection of a lethal substance sufficient to cause death.

Section 2. Amends Article 43.18 C.C.P. by providing that the Director of the Texas Department of Corrections designate an executioner.

Section 3. Emergency Clause.

Summary of Committee Action:

This bill was considered in Public Hearing on March 1, 1977 and was referred to a subcommittee. The subcommittee reported the bill back favorably without amendments. On March 30, 1977 the full committee reported the bill favorably without amendments by a vote of 9 ayes, 0 nays, 1 present, not voting and 1 absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

February 21, 1977

Honorable Lynn Nabers, Chairman
Committee on Criminal Jurisprudence
House of Representatives
Austin, Texas

In Re: House Bill No. 945
By: Grant

Sir:

In response to your request pursuant to House Rule V, Section 28, this office finds the fiscal implications of House Bill No. 945 (relating to the method of execution of convicts sentenced to death) to be as follows:

No fiscal implication or additional cost to the state, or statewide impact on units of local government of the same type or class, attributable to the bill, should it be enacted, is anticipated.


Thomas M. Keel
Director

Source: Texas Department of Corrections; LBB Staff

By

Grant - Close

H. B. No. 945-138

A BILL TO BE ENTITLED

AN ACT

relating to the method of execution of convicts sentenced to death, ^{amending}
Article ^{and 43.18} 43.14 of the Code of Criminal Procedure, ⁽¹⁹⁶⁵⁾ as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Amend Article 43.14, Code of Criminal Procedure, ⁽¹⁹⁶⁵⁾ as amended,
to read as follows:

"Art^{icle} 43.14. Execution of Convict^s. Whenever the sentence of death is pronounced against a convict, the sentence shall be executed at any time before the hour of sunrise on the day set for the execution not less than thirty days from the day of sentence, as the court may adjudge, ~~by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of such convict until he is dead~~ by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death, such execution procedure to be determined and supervised by the Director of the Department of Corrections

Section 2. Amend Art^{icle} 43.18, Code of Criminal Procedure, ⁽¹⁹⁶⁵⁾ as amended,
to read as follows:

"Art^{icle} 43.18. Executioner. ~~The Director of the Texas Department of Corrections, or in case of his death, disability or absence, the Warden of the Huntsville Unit of the Texas Department of Corrections, shall be the executioner. In the event of the death or disability or absence of both the Director of the Texas Department of Corrections and the Warden of the Huntsville Unit of the Texas Department of Corrections, the executioner shall be that person appointed by the Board of Directors of the Texas Department of Corrections for that purpose.~~ The Director of the Texas Department of Corrections shall designate an executioner to carry out the death penalty provided by law.

Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

①

Amendment No. _____

3rd READING

H.B. No. 945

By Grant - KASPER

Amend H.B. No. 945 on line 14 by adding after the word "death" and before the "." the following words:

"and until such convict is dead"

APR 21 1977

Date
Read and Adopted

Betty Mussey

Chief Clerk
House of Representatives

By Grant, Close

H.B. No. 945

A BILL TO BE ENTITLED

AN ACT

relating to the method of execution of convicts sentenced to death;
amending Articles 43.14 and 43.18 of the Code of Criminal
Procedure, 1965, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Amend Article 43.14, Code of Criminal Procedure,
1965, to read as follows:

"Article 43.14. EXECUTION OF CONVICT

"Whenever the sentence of death is pronounced against a
convict, the sentence shall be executed at any time before the hour
of sunrise on the day set for the execution not less than thirty
days from the day of sentence, as the court may adjudge, by
intravenous injection of a substance or substances in a lethal
quantity sufficient to cause death, such execution procedure to be
determined and supervised by the Director of the Department of
Corrections [~~by-causing-to-pass-through-the-body-of-the--convict--a~~
~~current--of-electricity-of-sufficient-intensity-to-cause-death,-and~~
~~the-application-and-continuance-of-such-current-through-the-body-of~~
~~such-convict-until-he-is-dead~~]."

Sec. 2. Amend Article 43.18, Code of Criminal Procedure,
1965, as amended, to read as follows:

"Article 43.18. EXECUTIONER

"The Director of the Texas Department of Corrections shall
designate an executioner to carry out the death penalty provided by

1 law. [~~The-Director-of-the-Texas-Department-of--Corrections,--or--in~~
2 ~~case--of--his--death,--disability--or--absence,--the--Warden-of-the~~
3 ~~Huntsville-Unit-of-the-Texas-Department-of--Corrections,--shall--be~~
4 ~~the--executioner,--In--the--event--of--the--death-or-disability-or~~
5 ~~absence-of-both-the-Director-of-the-Texas-Department-of-Corrections~~
6 ~~and-the-Warden-of-the-Huntsville-Unit-of-the--Texas--Department--of~~
7 ~~Corrections,--the-executioner-shall-be-that-person-appointed-by-the~~
8 ~~Board-of-Directors-of-the-Texas-Department-of-Corrections-for--that~~
9 ~~purpose.]"~~

10 Sec. 3. The importance of this legislation and the crowded
11 condition of the calendars in both houses create an emergency and
12 an imperative public necessity that the constitutional rule
13 requiring bills to be read on three several days in each house be
14 suspended, and this rule is hereby suspended, and that this Act
15 take effect and be in force from and after its passage, and it is
16 so enacted.

-END-

HOUSE ENGROSSMENT

2nd. Printing

By Grant, Close

H.B. No. 945

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~~intravenous injection of a substance or substances in a lethal~~
~~quantity sufficient to cause death and until such convict is dead,~~
~~such execution procedure to be determined and supervised by the~~
~~Director of the Department of Corrections [by causing to pass~~
~~through the body of the convict a current of electricity of~~
~~sufficient intensity to cause death, and the application and~~
~~continuance of such current through the body of such convict until~~
~~he is dead]."~~

Sec. 2. Amend Article 43.18, Code of Criminal Procedure,
1965, as amended, to read as follows:

"Article 43.18. EXECUTIONER

~~"The Director of the Texas Department of Corrections shall~~

1 ~~designate an executioner to carry out the death penalty provided by~~
2 ~~law. [The Director of the Texas Department of Corrections, or in~~
3 ~~case of his death, disability or absence, the Warden of the~~
4 ~~Huntsville Unit of the Texas Department of Corrections, shall be~~
5 ~~the executioner. In the event of the death or disability or~~
6 ~~absence of both the Director of the Texas Department of Corrections~~
7 ~~and the Warden of the Huntsville Unit of the Texas Department of~~
8 ~~Corrections, the executioner shall be that person appointed by the~~
9 ~~Board of Directors of the Texas Department of Corrections for that~~
10 ~~purpose.]"~~

11 Sec. 3. The importance of this legislation and the crowded
12 condition of the calendars in both houses create an emergency and
13 an imperative public necessity that the constitutional rule
14 requiring bills to be read on three several days in each house be
15 suspended, and this rule is hereby suspended, and that this Act
16 take effect and be in force from and after its passage, and it is
17 so enacted.

-END-

COMMITTEE/FLOOR REPORT FORM

Austin, Texas

April 28, 1977

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on JURISPRUDENCE to which was referred
HC B. No. 995 have had the same under consideration, and I am instructed to report it back to the Senate
with the recommendation that it do _____ pass _____ and be printed.


Chairman

IF THIS FORM IS TO BE USED AS A FLOOR REPORT, IT IS NECESSARY FOR A MAJORITY OF THE COMMITTEE MEMBERS TO SIGN IT. Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

MAY 0 5 '77

ENROLLED

H.B. No. 945

AN ACT

relating to the method of execution of convicts sentenced to death;
amending Articles 43.14 and 43.18 of the Code of Criminal
Procedure, 1965, as amended.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Amend Article 43.14, Code of Criminal Procedure,
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convict, the sentence shall be executed at any time before the hour
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~~intravenous injection of a substance or substances in a lethal~~
~~quantity sufficient to cause death and until such convict is dead,~~
~~such execution procedure to be determined and supervised by the~~
~~Director of the Department of Corrections [by causing to pass~~
~~through the body of the convict a current of electricity of~~
~~sufficient intensity to cause death, and the application and~~
~~continuance of such current through the body of such convict until~~
~~he is dead]."~~

Sec. 2. Amend Article 43.18, Code of Criminal Procedure,
1965, as amended, to read as follows:

"Article 43.18. EXECUTIONER

~~"The Director of the Texas Department of Corrections shall~~

1 ~~designate an executioner to carry out the death penalty provided by~~
2 ~~law. [The Director of the Texas Department of Corrections, or in~~
3 ~~case of his death, disability or absence, the Warden of the~~
4 ~~Huntsville Unit of the Texas Department of Corrections, shall be~~
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6 ~~absence of both the Director of the Texas Department of Corrections~~
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8 ~~Corrections, the executioner shall be that person appointed by the~~
9 ~~Board of Directors of the Texas Department of Corrections for that~~
10 ~~purpose.]"~~

11 Sec. 3. The importance of this legislation and the crowded
12 condition of the calendars in both houses create an emergency and
13 an imperative public necessity that the constitutional rule
14 requiring bills to be read on three several days in each house be
15 suspended, and this rule is hereby suspended, and that this Act
16 take effect and be in force from and after its passage, and it is
17 so enacted.

-END-

H.B. No. 945

President of the Senate

Speaker of the House

I certify that H.B. No. 945 was passed by the House on April 21, 1977, by the following vote: Yeas 90, Nays 37, 19 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 945 was passed by the Senate on May 4, 1977, by a viva-voce vote.

Secretary of the Senate

APPROVED:

5/11/77

Date

15/Dolph Briscoe

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
.....2:25 PM.....O'CLOCK

MAY 11 1977

Mark White
Secretary of State

Effective: 90 days

H. B. No. 945-138

By Yant -
Close

A BILL TO BE ENTITLED

AN ACT

relating to the method of execution of convicts sentenced to death,
amending Article 43.14 of the Code of Criminal Procedure, as amended.

FEB 8 1977

1. Filed with the Chief Clerk.

FEB 10 1977

2. Read first time and Referred to Committee on
Criminal Jurisprudence

MAR 30 1977

3. Reported favorably (~~unfavorably~~) and sent to Printer at APR 6 1977
9:40 A.M.
(time)

APR 6 1977

4. Printed, distributed and sent to the Committee on Calendars at 3:07 P.M.
(time)

APR 6 1977

Sent To Committee On Calendars 3:52 pm

APR 20 1977

5. Read second time (~~amended~~); passed to third reading (~~failed~~) by (Non-Record
Vote) (Record Vote of yeas, nays,
present, not voting).

6. Motion to reconsider and table the vote by which H.B. was ordered engrossed
prevailed (~~failed~~) by a (Non-record vote) (Record Vote of yeas,
nays, and present, not voting).

7. Constitutional Rule requiring bills to be read on three several days suspended (~~failed to~~
suspend) by a four-fifths vote of yeas, nays, and
present, not voting.

APR 21 1977

8. Read third time (~~amended~~) finally passed (~~failed~~) by (Non-Record Vote) (Record
Vote of 90 yeas, 37 nays, 19 present, not
voting).

9. Caption ordered amended to conform to body of bill.

10. Motion to reconsider and table the vote by which H.B. was finally passed
prevailed (~~failed~~) by a (Non-record) (Record Vote of yeas,
nays, and present, not voting).

APR 21 1977

11. Ordered Engrossed at 11:45 A.M.
(time)

APR 21 1977

12. Engrossed.

APR 21 1977

13. Returned to Chief Clerk at 5:35 P.M.
(time)

APR 25 1977

14. Sent to Senate.

APR 25 1977

15. Received from the House

APR 26 1977

16. Read, referred to Committee on JURISPRUDENCE

APR 28 1977

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute
read first time.

19. Ordered not printed.

MAY 4 1977

20. Regular order of business suspended by
(a viva voce vote.)
(24 yeas, 6 nays.)

1977 APR -6 PM 3:07
HOUSE OF REPRESENTATIVES

Betty Murray

Chief Clerk of the House

_____ 21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 4 1977

_____ 22. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

MAY 4 1977

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of 24 yeas,
6 nays to place bill on third reading and final passage.

MAY 4 1977

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

OTHER ACTION:

Betty King
Secretary of the Senate

MAY 4 1977

_____ 26. Returned to the House.

MAY 4 1977

_____ 27. Received from the Senate (~~with amendments~~).

_____ 28. House (Concurred) (Refused to Concur) in Senate Amendments by a (Non-record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 4 1977

_____ 31. Ordered Enrolled at 12:20 P.M.
(time)

1977 APR 21 PM 5:49

HOUSE OF REPRESENTATIVES